

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Jamie Davis,

Plaintiff,

v.

Diversified Consultants, Inc.; and
DOES 1-10, inclusive,

Defendants.

Civil Action No.: 1:13-cv-10875-FDS

PLAINTIFF'S NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT

Plaintiff Jamie Davis, by and through his undersigned counsel, respectfully moves for an order, pursuant to Federal Rule of Civil Procedure 56, granting him partial summary judgment on Count II of his Complaint for violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* In support of his motion, Davis relies on the accompanying Memorandum of Law and Declaration of Sergei Lemberg with supporting exhibits.

Plaintiff respectfully requests that the Court enter judgment in his favor for \$90,000.00 and costs.

L.R. D. MASS 7.1(A)(2) CERTIFICATE

Plaintiff's counsel has communicated with Defendant's counsel in a good faith effort to resolve the issues in this litigation. The parties have been unable to resolve the issues.

Dated: March 31, 2014

Respectfully submitted,
By /s/ Sergei Lemberg
Sergei Lemberg (BBO# 650671)
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2014, I electronically filed the foregoing through the CM/ECF system which sent notice of such filing to the following:

John J. O'Connor
PEABODY & ARNOLD LLP
Federal Reserve Plaza
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Attorney for Defendant

/s/ Sergei Lemberg
Sergei Lemberg